

The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020

These Regulations came into force at midnight on 28th September 2020.

They Regulations apply in England only.

Introduction

The Regulations have been implemented in an effort to stem the increase in positive cases of COVID-19. They impose criminal sanctions for breach on employers and workers ranging from £1,000 up to £10,000

The requirement

The Regulations apply to any adult who is notified after 28 September 2020 (other than by the COVID-19 app) that:

1. they have a positive COVID-19 test result; or
2. they have come into close contact with a person who has tested positive; or
3. a child they are responsible for has tested positive; or
4. a child they are responsible for has come into close contact with a person who has tested positive.

In such circumstances the adult must self- isolate, or as in the case of a child, ensure the child self- isolates for the period specified in the Regulations.

If requested, any person notified must then notify the relevant authorities of the address details they will self- isolate at and the names of the persons present at that address (in the case of a positive test result) if requested.

The period of isolation begins from the moment notification is received.

Requirements on employers

The Regulations provide that employers will be guilty of an offence if they knowingly allow a worker or agency worker who is required to self-isolate to attend any place

for a purpose relating to their employment (other than the address where they should be self-isolating). The Regulations are drafted broadly in this respect and will catch employers who know their employee is self-isolating, yet still allow or require them to work (other than working from home).

Requirement on employees

Workers who are self-isolating, or aware of the requirement to self-isolate **are required to notify their employer** that they are required to self-isolate, **including the start and end date of the isolation period**. Workers must notify their employer as soon as reasonably practicable, and in any case, before their next day of work if this is within the isolation period.

Agency workers who are self-isolating must notify their agent, the principal or their employer (where that person is not the agent or a principal), of the requirement to self-isolate including the start and end dates of the isolation period.

Any person who fails to self-isolate, without a reasonable excuse, **commits a criminal offence**.

Enforcement & sanctions

Breaching the Regulations is a criminal offence liable to a fine ranging from £1,000 (for a first offence) up to £10,000 (for repeated infringements). Both employers and employees can be liable for this fine.

The Regulations can be enforced by “authorised persons” - such as police officers or an officer acting for the local authority – who are able to direct those who are required to self-isolate to return, or remove them to the place where they are self-isolating.

Summary

The Regulations are unlikely to cause too many difficulties for our employers who are able to work from home whilst self-isolating, however, they are likely to be problematic for our Operational Site Teams and Operatives, particularly in the

forthcoming winter months if, as expected, the number of cases continues to rise. It is paramount that every effort is taken to ensure that full compliance to these Regulations is achieved

A failure by any member of staff to comply with this instruction will not only amount to a criminal offence under the Regulations but may also result in disciplinary action.

Aside from the financial costs associated, breaching these Regulations may also result in reputational damage and a breach of health and safety legislation which we are very keen to avoid.